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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,874	10/22/2001	Akihiko Hamamura	110924	7497
7590 OLIFF & BERRIDGE P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER CHO, UN C	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 03/22/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/982,874		HAMAMURA, AKIHIKO	
	Examiner		Art Unit	
	Un C. Cho		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8,9,14-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,18,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 8-10,14-20 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/7/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 8, 15 – 17 and 24 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,573,927 B2).

Regarding claim 8, Parulski discloses a wireless communication unit (a digital still camera having a wireless network interface; see Abstract), comprising: an interface portion signally connected to a connector of a main device (a memory card interface (Fig. 1A, element 34) connected to the digital still camera (Fig. 1A, element 12)); a wireless communication portion performing wireless communication (communications network (Fig. 1A, element 28) being capable of communicating with an external device wirelessly; Parulski: Col. 4, lines 9 – 32); and a control portion (a microprocessor (Fig. 1A, element 29)) having a function of acquiring a data file to be recorded from the main device through the interface portion (Parulski: Col. 3, lines 25 – 29) and a function of transmitting the acquired data file through the wireless communication portion to an external destination (sending an image file to an external device wirelessly; Parulski: Col. 3, line 31 through Col. 4, lines 42), wherein the control portion selects the data file that is to be transmitted based on predetermined attribute information that is associated with the data file and that indicates characteristics of the data file, and transmits the selected data file through the wireless communication portion to the external destination (Parulski: Col. 4, lines 29 – 52).

Regarding claim 15, Parulski discloses wherein the predetermined attribute information is information regarding a folder in which the data file is stored (Parulski: Col. 4, lines 43 – 52).

Regarding claim 16, Parulski discloses wherein the control portion transmits the selected data file to the external destination specified by the folder, through the wireless communication portion (Parulski: Col. 4, lines 29 – 52).

Regarding claim 17, Parulski discloses wherein the connector of the main device is shaped so as to enable attachment of a detachable recording medium (memory card interface, within the digital still camera, capable of accepting a removable memory card; Parulski: Col. 2, line 53 through Col. 3, line 4).

Regarding claim 24, Parulski discloses wherein the predetermined attribute information is information specifying the external destination to which the data file is to be transmitted (Parulski: Col. 3, line 31 through Col. 4, line 52).

Regarding claim 25, Parulski discloses wherein the predetermined attribute information is information regarding a folder in which the data file to be transmitted to the specified external destination is stored (Parulski: Col. 4, lines 43 – 52).

Regarding claim 26, Parulski discloses an attribute information imparting portion that associates the predetermined attribute information to a specified data file (utilization file; Parulski: Col. 3, line 31 through Col. 4, line 52).

Regarding claim 28, Parulski discloses wherein the predetermined attribute information, that the attribute information imparting portion associates to the data file, is information that specifies the external destination to which the data file is to be transmitted (Parulski: Col. 3, line 31 through Col. 4, line 52).

Regarding claim 29, Parulski discloses wherein the predetermined attribute information is information regarding a folder in which the data file to be transmitted to the specified external destination is stored (Parulski: Col. 4, lines 43 – 52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Geva (US 6,366,871 B1).

Regarding claim 9, Parulski as applied above does not specifically disclose wherein said attribute information is information indicating that the data file has a write-protect attribute. In an analogous art, Geva remedies the deficiencies of Parulski by disclosing the write-protect feature (Geva: Col. 9, lines 30 – 63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Geva to the system of Parulski in order to provide a security feature such as write-protect so as to prevent accidental deletion of important files.

Regarding claim 14, Parulski discloses all the limitations of claim 14 except the feature wherein the control portion automatically deletes the backup

from the recording portion after transmission of the information in the wireless communication portion is normally terminated, when the control portion generates the backup of the information in the recording portion. In an analogous art, Geva remedies the deficiencies of Parulski by disclosing the automatic deletion of the backup information after transmission (Geva: Col. 9, lines 31 – 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Geva to the system of Parulski in order to provide an effective way of using limited memory capacity more efficiently.

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 9.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Fukuoka (US 6,300,976 B1).

Regarding claim 20, Geva in view of Fukuoka as applied above discloses wherein the connector portion includes a power line by which power is supplied to the wireless communication unit from the main device (it would have been obvious to one of ordinary skill in the art at the time the invention was made that the main device is the provider of power to any device that attaches to it, which Fukuoka clearly discloses the I/O card being attached to the camera and the I/O card obviously receives power from the camera). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide the technique of Fukuoka to the system of Parulski in order to provide a more flexible and efficient electronic communication device that is compatible with electronic cameras.

Allowable Subject Matter

7. Claims 6, 18, 22 and 23 are allowed.
8. Please refer to the statement of reasons for the indication of allowable subject matter in the office action mailed on 9/11/2006.

Response to Arguments

9. Applicant's arguments with respect to claims 8, 9, 14 – 17, 20, 24 – 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

3/19/07 *oe*


GEORGE ENG
SUPERVISORY PATENT EXAMINER